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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,931	01/04/2002	Theodore F. Emerson	COMP:0220B	7599
7590 05/09/2005			EXAMINER	
Michael G. Fletcher Fletcher, Yoder & Van Someren P.O. Box 692289 Houston, TX 77269-2289			RAHMJOO, MANUCHER	
			ART UNIT	PAPER NUMBER
			2676	
DATE MAILED: 05/09/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,931

Applicant(s)

EMERSON ET AL.

Examiner

Mike Rahmjoo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1- 7, 11-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1- 7, 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 7, and 11- 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hester (US Patent 5,608,426) in view of Ohtsuki et al (US Patent 6,757,585), hereinafter, Ohtsuki.

As per claims 1, 4, 6, 11, and 14 Hester teaches a plurality of computers (see for example column 2 lines 40- 45); a remote management controller (see for example column 3 lines 60- 65 for the palette management system and column 4 lines 60- 65 for the controlling applications) having an EGA shadow look up table and a VGA shadow look up table (see for example column 3 lines 50- 52 for the EGA, VGA, and SGA protocols, column 4 lines 1- 8, and figure 1- 3 with different display **protocols** having different palettes with one or more entries with each entry being identified by a **color index** value namely RGB), the remote management controller being adapted to snoop accesses (access and manipulate) to EGA and VGA color palettes of a video graphics

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controller(see for example column 4 lines 60- 65 for the controlling application performing application management on **remote computer 10** and figure 3), and to create a copy of information in the EGA color palette in the EGA shadow look up table and a copy (manipulation)of information in the VGA color palette in the VGA shadow look up table, wherein information in the EGA shadow look up table and the VGA shadow look up table is used to communicate correct color information to the remote computer (see for example column 4 lines 45- 55 through communicating the changes and **manipulating** the system palette on he remote computer to make an exact **match**).

However, Hester does not teach a remote management controller in a local computer.

Ohtsuki teaches a remote management controller in a local computer see for example figures 1 and 4 block 200 for the remote management controller in the host computer corresponding to a local computer accessing vending machines 100 which communicate data through the network to local computer 200.

It would have been made obvious to one of ordinary skilled in the art at the time the invention was made to incorporate the teachings of Ohtsuki into Hester so as to provide a local buffer as to periodically read to determine if the contents of the local buffer has changed and therefore communicate the changes to a remote computer thereby updating correspondence information on a periodic basis see for example column 2 lines 1- 50.

As per claims 2, 5, 12, and 15 Hester inherently teaches the remote management controller is adapted to snoop a bus coupled between a processor and the

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video graphics controller see for example figures 1- 3 and column 4 lines 59- 67 through column 5 lines 1- 9.

As per claims 3, 7, 13, and 16 Hester inherently teaches the video graphics controller comprises a frame buffer, and wherein the remote management controller is adapted to read color palette index values (see for example column 5 lines 41- 57) of the frame buffer and use the color palette index values (index entries see for example column 4 lines 18- 30) to index the shadow look up tables to obtain the correct color values for pixels in the frame buffer see for example figures 1- 3 and column 4 lines 5- 10.

Response to Arguments

Applicant's arguments, see page 7 3rd paragraph, filed 01/27/2005, with respect to the rejection(s) of claim(s) 1-7, 11-16 under new grounds of rejection over Emerson et al (US Patent 6,664,969) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ohtsuki et al (US Patent 6,757,585).

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is (703) 305-5658. The examiner can normally be reached on 6:30- 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (703) 308- 6829. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872- 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Mike Rahmjoo

May 4, 2005

A handwritten signature in black ink that reads "Matthew C. Bella". The signature is written in a cursive, flowing style.

**MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**